

REMARKS

In the Office Action mailed January 15, 2009 the Office noted that claims 1-16 were pending and rejected claims 1, 3, 7, 9, 10, 12, and 14-16 and objected to claim 5, all other claims being withdrawn. Claim 12 has been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 1-16 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

ALLOWABLE SUBJECT MATTER

The Office has indicated that claim 5 is allowable. The Applicants acknowledge the allowance of the claim and thank the Office for its consideration in examining claim 5.

EXAMINER INTERVIEW

The undersigned wishes to thank the Examiner for interviewing this application on May 6, 2009. At the interview the Applicants' representative made arguments which the Examiner has indicated overcomes the prior art of record.

REJECTIONS under 35 U.S.C. § 102

Claims 1, 3, 7, 9, 10, 12 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fukomoto, U.S. Patent Publication No. 2003/0086346. The Applicants respectfully disagree and traverse the rejection with an argument.

The Applicants again make the argument of May 6, 2009. According to the present invention, the optimum power of the laser light for recording the information at the second recording speed (for example, speed 8x) can be calculated by only performing the OPC at the first recording speed (for example, speed 4x) with using the special OPC strategy. Namely, according to the present invention, the optimum power which is calculated by the OPC performed at the first recording speed with using the special OPC strategy can be used as the optimum power for the second recording speed as it is (see page 39, lines 5-8 of the Description). In other words, according to the present invention, only one OPC process performed at only one type of recording speed (i.e. the first recording speed) is needed in order to calculate the optimum power for another recording speed (i.e. the second recording speed).

On the other hand, according to Fukumoto, (i) the optimum power  $P_1$  for the speed  $V_1$  is calculated by the OPC performed at the speed  $V_1$  with using the strategy of speed  $V_x$ , (ii) the optimum power  $P_2$  for the speed  $V_2$  is calculated by the OPC performed at the speed  $V_2$  with using the strategy of speed  $V_x$ , and finally (iii) the optimum power  $P_x$  for the speed  $V_x$  is calculated from the result of each of the OPC performed at the speed  $V_1$  and the OPC performed at the speed  $V_2$ . Therefore, according to Fukumoto, the optimum power  $P_1$  which is calculated by the OPC performed at the speed  $V_1$  with using the strategy of

speed  $V_x$  CANNOT be used as the optimum power  $P_x$  for the speed  $V_x$  as it is. According to Fukumoto, the optimum power  $P_2$  which is calculated by the OPC performed at the speed  $V_2$  with using the strategy of speed  $V_x$  CANNOT be used as the optimum power  $P_x$  for the speed  $V_x$  as it is. In other words, according to Fukumoto, two OPC processes performed at each of two types of recording speed (i.e. speed  $V_1$  and  $V_2$ ) are needed in order to calculate the optimum power for another recording speed (i.e. the speed  $V_x$ ).

For at least the reasons discussed above, claims 1, 10, 12 and 14, and the claims dependent therefrom are not anticipated by Fukumoto.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fukumoto in view of Kobayashi, U.S. Patent No. 2003/0021201. The Applicants respectfully disagree and traverse the rejection with an argument.

Kobayashi adds nothing to the deficiencies of Fukumoto with respect to the independent claims. Therefore, Fukumoto and Kobayashi, taken separately or in combination, fail to render obvious the features of claims 15 and 16.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 102. It is also submitted that claims 1-16 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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